CITY OF CINCINNATI





Sixteenth Status Report to the Independent Monitor

June 12, 2006



Cincinnati Police Department

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I. INTRODUCTION

In April 2001, the Mayor of Cincinnati, and other interested persons within the City, requested the United States Department of Justice (DOJ) to conduct a review of the Cincinnati Police Department's (CPD) policies and procedures, specifically those that related to the uses of force. This request indicated the City's commitment to minimizing the risk of excessive Use of Force in the CPD and to promoting police integrity. In response to these requests, the DOJ launched an investigation pursuant to authority granted under 42 U.S.C. 14141, the Violent Crime Control and Law Enforcement Act of 1994.

The DOJ's investigation, conducted with the full cooperation of the City, included extensive interviews with City and CPD officials, CPD officers, leaders of the Fraternal Order of Police (FOP) and the African-American police officers' association (Sentinels), community members and civil rights organization representatives.

At the close of the investigation, which lasted approximately one year, the DOJ determined that the jurisdictional requirements of 42 U.S.C. 14141 were sufficiently satisfied to permit the Parties to enter into the **Memorandum of Agreement (MOA)**. As a result of the City's and the CPD's high level of voluntary cooperation and willingness to implement meaningful change, the DOJ believed the MOA, rather than contested litigation, represented the best opportunity to address the DOJ's concerns. On April 11, 2002, history was made in the City of Cincinnati. The City of Cincinnati and the United States Department of Justice entered into the landmark Agreement. ¹

At the same time, representatives for the City, the Cincinnati Black United Front (CBUF), the American Civil Liberties Union of Ohio (ACLU), and the Fraternal Order of Police (FOP) executed the **Collaborative Agreement** (CA). Brought about in part by a series of legal actions citing patterns of discrimination by police, this latter Agreement also served as an alternative to court litigation. Under this Agreement, the Federal District Court introduced a process where various stakeholders in the community could examine the broader social conflicts in the City by gathering the views of as many citizens as possible on improving the relationship between police officers and the community. Through the distribution of questionnaires and a series of public meetings involving different segments of the community, the following goals became the cornerstones of the Collaborative Agreement:

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Neither the City's entry into this Agreement, nor its decision to implement changes in CPD policies and procedures is an admission by the City, the CPD, or any officer or employee of either, that any of them have engaged in any unconstitutional, illegal, or otherwise improper activities or conduct.

- 1. Police officers and community members will become proactive partners in community problem solving.
- 2. Police officers and community members will build relationships of respect, cooperation, and trust within and between the police and the citizens.
- 3. Police officers and community members will work to improve education, oversight, monitoring, hiring practices, and accountability of the Cincinnati Police Department.
- 4. Police officers and community members will ensure fair, equitable, and courteous treatment for all by members of the police department.
- 5. Police officers and community members will create methods to establish the public's understanding of police policies and procedures and to recognize exceptional service provided by members of the police department.

Implementation of both Agreements will not only reform police practice, but will enhance trust, communication, and cooperation between the police and the community. The settlements have fostered a union that has motivated all segments of the community to come together and focus on building the positive and productive relations necessary to maintain a vibrant city core and surrounding metropolitan area. The City of Cincinnati is enthusiastic and committed to this endeavor and has already begun initiatives to involve virtually all City departments in the process.

The two Agreements will be overseen by an Independent Monitor. Consistent with the consensus decision-making process incorporated in the collaborative process, all collaborative partners unanimously selected the independent monitor.

II. GENERAL POLICIES

A. Mental Health Response Team (MHRT)

The MOA's requirements with regard to the MHRT are located in paragraph 10.

Monitor's Previous Assessment

The Monitor finds the CPD to be in compliance with the requirements of MOA paragraph 10, including MHRT policy and training; availability of trained MHRT officers during all shifts; appropriate responses to MHRT calls; and a partnership with mental health professionals making such professionals available to assist the CPD onsite in interactions with mentally ill persons.

The Monitor continues to see positive developments in the MHRT program. The level of MHRT availability has risen consistently since the program was developed in 2003. Dispatch of MHRT officers to MHRT calls has increased from approximately 75 percent in 2003 to approximately 90 percent in 2005, with the highest percentage of 94 percent availability in this last quarter. The number of calls for which there was no MHRT officer working or available has similarly decreased, to only seven calls, or .5 percent, this last quarter.

The Monitor recommends that the City work with Hamilton County and the Mental Health Board to seek funding for additional Mobile Crisis Team staff that could be resident in the other districts, or expand the hours of operation beyond regular business hours. The Monitor acknowledged this is not a requirement of the Agreements, but believes City residents will benefit greatly from expanding the work of the Mobile Crisis Team.

Status Update

Training

During the first quarter, there was no MHRT training, however all members of the 99th Recruit class received eight hours of instruction on "Mental Health Issues".

MHRT Availability

The CPD continues to track the number of MHRT officers deployed on a daily basis. The tracking process allows the CPD to take a look at MHRT staffing levels by shift, district, and department-wide. The MHRT staffing reports are included in Appendix Item 1.

MHRT Officer Dispatch Summary

Effective May 1, 2003, the Police Communications Section began to record the dispatch disposition of MHRT officers to all calls involving suspected mentally ill individuals. When dispatching these calls, the dispatcher makes an entry into a designated field for all MHRT calls, indicating one of the following dispositions:

MHD - A MHRT unit was dispatched to the call.

MHNA - A MHRT unit was not dispatched because all MHRT units city-wide were busy.

MHNW - There were no MHRT units working in the city.

During this reporting period, the CPD documented (via the Computer Aided Dispatch report) 1,454 calls involving mentally ill persons. In 74 of those instances, the call did not meet the criteria for dispatch and was cancelled, or the call was handled by another agency. In 29 cases, the call was dispatched as another incident type and later changed to a MHRT by the responding officers. This equates to 1,351 calls eligible for MHRT officer dispatch. For 1,254 of the calls (93%), a MHRT officer was dispatched. For this reporting period, there were only three calls for which a MHRT officer was working but not available for dispatch, and there were no instances where a MHRT officer was not working. A monthly analysis of these calls is included in Appendix Item 2.

Mobile Crisis Team Workers

The Psychiatric Emergency Services Department of University Hospital continues its partnership with the CPD. This partnership has enabled Mobile Crisis Team personnel to work within police districts in conjunction with police personnel. Currently, the program operates in Districts One and Five.

For the first quarter of 2006, statistics were maintained for individuals in both districts who could be identified as being in need of mental health services. Identification is made through an incident history, police reports (Form 316), or by hospital records. Information regarding the number of MHRT runs handled by police, the Mobile Crisis Team, or a combination of both is also tabulated. Once an individual has been identified, social demographic data regarding the subject and the outcome of each incident is documented and entered into a database in each of the districts.

2006 First Quarter	District One	District Five
Total runs	265	218
CPD only	157	116
Mobile Crisis Team only	27	31
CPD assisted by the Mobile Crisis Team	65	49
Mobile Crisis Team assisted by CPD	14	16
Total individuals identified	194	162
Mobile Crisis Team consultations	2	6

B. Foot Pursuits

The provisions of the MOA related to foot pursuits are located in paragraph 11.

Monitor's Previous Assessment

The Monitor reviewed 15 Use of Force investigations in which a foot pursuit was involved. The supervising investigator documented a review of the foot pursuit on the Use of Force Report in each of these cases. The CPD's policy, training and actual practice on foot pursuits is in compliance with this MOA paragraph.

Status Update

Nothing to report.

III. USE OF FORCE POLICY

A. General Use of Force Policies

The MOA's requirements pertaining to Use of Force are located in paragraphs 12 and 13.

Monitor's Previous Assessment

During this quarter, the Monitor reviewed the CPD's Use of Force investigations to assess whether officers are implementing the CPD's Use of Force policies in compliance with the MOA. As required by the MOA, the CPD's procedures incorporate a Use of Force model that "relates the officer's responses and Use of Force options to the actions of the subject."

In the 31 TASER incidents that the Monitor Team reviewed this quarter, the documentation and investigation indicated that in 29 incidents, the officer's Use of Force was reasonably related to the level of resistance and actions of the suspect. There were two incidents where it was difficult for the Monitor to determine if the TASER use was reasonably related to the actions of the subject.

The Monitor also identified incidents where the duration of the TASER was longer than the five-second cycle that the CPD and the TASER manufacturer recommend. In each of these cases, the CPD command reviewed and addressed the longer times used in the TASER deployment. In two other incidents, the TASER was used numerous times, because the initial deployment and subsequent deployments were not sufficiently effective. The CPD recently added information to its Use of Force Policy alerting officers that when multiple TASER cycles are not working, other tools should be considered. The Monitor also notes that MOA ¶19 calls for the CPD to periodically review current research on chemical spray and consider the effectiveness and risk of injury to subjects, and encourages the CPD to continue reviewing and evaluating current research on TASER use.

The Monitor reviewed 23 incidents involving force other than a TASER. For all but one of these incidents, it appeared that the officer's Use of Force was reasonably related to the level of resistance and actions of the subject. Where the officer's Use of Force was not in compliance with CPD policy, the CPD found the officer to be in violation of policy and imposed discipline. There were five incidents where a warning of Use of Force was not given. In each of the incidents, the investigating supervisor clarified that the warnings were not given because of the exigency of the situation, and the Monitor concurred with these assessments.

The Monitor finds the City in compliance with the provisions of MOA ¶¶12 and 13.

Status Update

B. TASERS

There were 139 TASER deployments in the first quarter of 2006. Full TASER implementation began in the second quarter of 2004. A breakdown of TASER usage by quarter is as follows:

Second quarter 2004	177
Third quarter 2004	198
Fourth quarter 2004	148
First quarter 2005	137
Second quarter 2005	143
Third quarter 2005	166
Fourth quarter 2005	104
First quarter 2006	139

A comparison of the first twelve months of TASER usage to the past twelve months shows TASER deployments decreased by 16%.

During this quarter, there were 13 injuries associated with the 139 deployments. Ten of the thirteen injuries occurred as a r sult of the subject falling to the ground after deployment.² The other three injuries involved small cuts from the TASER probe. Most of the injuries were treated at the scene by a fire company.

Since the CPD began deployment of the X26 TASER, there have been 1,284 deployments to date. None of these 1284 individuals were admitted to a hospital for a TASER related injury.

The CPD Tactical Planning Unit keeps up-to-date research on TASER developments. Tactical Planning also continues to track statistical data related to TASER usage and effectiveness. The overall effectiveness of the TASER in 2005 averaged 70%. The TASER was least effective in the fourth quarter, which was anticipated due to heavy clothing and layers worn during the coldest months of the year.

TASER deployments are summarized in Appendix Item 3. During the first quarter, 45% of TASER deployments occurred during a foot pursuit. An itemized report supporting that figure is included in Appendix Item 4.

Injuries from TASER deployments are summarized in Appendix Item 3. During the first quarter, 45% of

The number of total Use of Force incidents has **decreased 17.6%** in the past 12 months as compared to the previous 12 months (see the table below).

Use of Force Table

	2nd Q 2004	3rd Q 2004	4th Q 2004	1st Q 2005	2nd Q 2005	3rd Q 2005	4th Q 2005	1 st Q 2006
Chemical Irritant - Unrestrained Subjects	30	10	8	8	12	5	9	3
Restrained Subjects	9	10	9	11	10	3	2	4
Physical Force	4	2	1	4	4	3	9	4
Takedowns with Injury	4	8	6	10	3	2	9	6
Non-compliant suspects	41	30	31	23	18	29	35	24
PR 24	0	1	0	0	0	0	0	0
Canine	1	3	5	6	7	5	5	3
TASER	177	198	148	137	143	166	104	139
Beanbag/Foam Round	0	0	0	0	0	2	0	0
Pepperball	0	0	1	0	0	0	1	0
Firearms Discharge	2	0	0	1	2	0	2	1
Total	268	262	209	200	199	215	176	184

The highlighted rows in this table reflect an **11% reduction** over the previous 12 months in instances where officers had to engage non-compliant subjects.³ The TASER has reduced the need for officers to have physical, often violent, encounters with resistive subjects.

In the first quarter, there were 22 TASER incidents where subjects possessed deadly weapons.⁴ Clearly, the use of the non-lethal TASER continues to be a valuable tool for CPD officers.

During the period April 1, 2005 to March 31, 2006, CPD officers had to use force in only 2.03% of arrest situations, as compared to 2.45% in the previous 12 months.⁵

³ This would include any instance where an officer had to resort to hands-on contact with a suspect/prisoner (physical force, takedowns with injury, and non-compliant/hard hands).

⁴ 2006-77239, 77287, 77361, 77443, 77524, 77525, 77946, 78007, 78015, 78244, 78298, 78473, 78478, 78496, 78682, 78974, 79335, 79742, 79845, 79849, 79924, 80303

⁵ 38,185 arrests during the period 4/01/04 to 3/31/05; 38,051 arrests during the period 4/01/05 to 3/31/06

The table below highlights a **40% decrease** in injuries to suspects/prisoners over the last 12 months:

Suspect/Prisoner Injuries Resulting from Police Contact⁶

	4/01/04 - 3/31/05	4/01/05 - 3/31/06
Hard hands with injury	96	75
Beanbags	0	2
Pepperball	0	1
40 mm foam	0	0
TASER	94	40
Other force ⁷	14	5
Total	204	123

In 2003, sixty four (64) injuries to officers occurred as a result of arrests and assaults. That number dropped to forty (40) injuries in 2004, a **decrease of 37.5%.** In 2005, thirty two (32) injuries were attributed to arrest and/or assault situations, a **decrease of 50%** since 2003. The CPD attributes this trend to the TASER being both a physical and psychological deterrent to subjects being arrested, whether they have had prior experience with the TASER or not.

C. Chemical Spray

The MOA provisions pertaining to chemical spray are found in paragraphs 14-19.

Monitor's Previous Assessment

The Monitor Team reviewed nine chemical spray incidents from the fourth quarter of 2005 and determined that the CPD was in compliance with the MOA.

Status Update

There were seven deployments of chemical irritant in the first quarter. As can be seen in the Use of Force table, chemical irritant usage has **dropped 82%** since the CPD began deployment of the X26 TASER in 2004.

Six of the seven reports this quarter document a warning of impending force. In the narrative of the seventh report (2006-78226), the supervisor identifies the officer's lack of warning as a procedure violation, counseled the officer and issued an ESL documenting the counseling.

Four of the deployments involved restrained prisoners (2006-77842, 2006-78226, 2006-78603 and 2006-79616).

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⁶ Does not include ingestions of contraband, injuries sustained to prisoners as a result of a vehicle crash from a pursuit, injuries from canine bites, etc. (any injury where the TASER would not have been a force option in an incident is not included). In regards to contraband, suspects normally swallow contraband before the officer comes in contact with them.

⁷ Includes strikes, kicks, PR 24, firearms

Decontamination of sprayed individuals occurred in all but one of the deployments. This incident (2006-78888) involved an individual who was stopped for operating a stolen vehicle. Chemical irritant was applied into the vehicle window when the individual refused to unlock the doors and exit the vehicle. A traffic pursuit ensued and the individual crashed into a pole and was pronounced dead at the scene.

There were no group deployments during the first quarter. This quarter's deployments have been summarized in Appendix Items 5, 6, 7 and 8.

D. Canines

The MOA provisions relating to canine policy are located in paragraph 20.

Monitor's Previous Assessment

The CPD's canine policy, deployment of canines, and review of investigations are in compliance with the MOA.

Status Update

Canines were deployed in connection with 164 incidents during the first quarter. As a result, 20 individuals were located with 3 of those suspects being bitten by a dog. This equates to a 15% unit bite ratio.

The canine bite ratio reports generated pursuant to MOA paragraph 20 are included in Appendix Items 9, 10 and 11. These reports examine the following six-month periods:

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August 1, 2005 – January 31, 2006 (bite ratio 20%)
September 1, 2005 – February 28, 2006 (bite ratio 17%)
October 1, 2005 – March 31, 2006 (bite ratio 21%)
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The canine statistics generated by the ETS database have been included in Appendix Items 12, 13 and 14.

E. Beanbag Shotguns / 40mm Foam Rounds / Pepperball

The MOA provisions relating to beanbag shotguns and 40mm foam rounds are located in paragraphs 21, 22, and 23.

Monitor's Previous Assessment

The CPD is in compliance with the MOA requirements relating to beanbag shotgun deployment.

Status Update

During the first quarter of 2006, there were no incidents involving the deployment of the beanbag shotgun, 40 millimeter foam round or the Pepperball launcher.

IV. INCIDENT DOCUMENTATION, INVESTIGATION & REVIEW

A. Documentation

The MOA provisions relating to documentation are located in paragraphs 24 and 25.

Monitor's Previous Assessment

Audit of Use of Force Reporting

The Monitor conducted an audit of 117 incidents in which individuals were charged with Resisting Arrest or Assault on a Police Officer, to determine if in incidents where force was used, the officer reported the Use of Force and a Use of Force Report was completed. Of the 117 incidents, there were 78 incidents where a Use of Force Report was entered into the ETS system. For those Resisting Arrest and Assault on a Police Officer incidents where there was no ETS Use of Force entry, the Monitor team reviewed the arrest reports to assess whether the officer's description of the incident would indicate whether a Use of Force occurred.

There were only three incidents where a Use of Force Report was not completed in an arrest where the Monitor felt it was clear that force was used, and twenty four incidents where the officer's narrative indicated that force was not used. In twelve incidents, however, the language in the officer's arrest report suggested that force may have been used, but the information was insufficient to determine whether or not the officer used force.

Form 18NC - Non-Compliant Suspect Arrestee Report

The Monitor reviewed 17 Non-Compliant Suspect/ Arrest Report Forms from the previous quarter and concluded that the CPD is in compliance with the requirements applicable to these incidents.

Takedowns with Injury

During the fourth quarter of 2005, there were nine takedowns or use of hard hands that resulted in injury to the suspect, but not hospitalization. The Monitor Team reviewed four Injury to Prisoner Reports from a takedown from the fourth quarter of 2005, and one Injury to Prisoner Report involving chemical spray. The Monitor concluded that the CPD is in compliance with the MOA requirements for these incidents.

TASERS

The Department of Justice and the CPD agreed on the level of documentation and investigation required for TASER incidents. Taped statements are necessary for incidents in which a TASER is deployed on a restrained person, or where the subject

makes a complaint of excessive force. In incidents where tapes are not required, the investigative report will document that the subject was interviewed.

In this quarter, the Monitor reviewed 31 TASER incidents and four citizen complaint cases in which a TASER was deployed. Of the TASER incidents where a complaint of excessive force was not made, 18 Use of Force Reports document the fact that the subject was interviewed, two reports document why an interview could not be conducted, and in two incidents, the subject was not apprehended. However, in nine other incidents we reviewed, the force reports did not document that the subject of the Use of Force was interviewed. The CPD is in partial compliance with the MOA requirements for these incidents.

Use of Force Review Board

The Monitor commends Chief Streicher for establishing the Use of Force Review Board, which is not a requirement of the MOA or the CA. The Monitor feels this effort can have great benefits for the CPD and reflects police "best practices." The purpose of the Use of Force Review Board is to enhance the Department's ability to evaluate serious use of force incidents by utilizing the expertise of various commanders, rather than confining the review and evaluation of these incidents to the officer's immediate supervisors. By taking advantage of the broad knowledge and experience of the command staff, the Department will increase the quality of the review and promote training of all Department members.

Status Update

Audit of Use of Force Reporting

During the Monitor's March 2006 site visit, CPD and the Monitor Team discussed the importance of supervisors addressing whether force was used and ensuring that officers use clear language when completing the narrative of the Form 527, Arrest Report. As a result of these discussions, a Training Bulletin and Staff Note reminder was included in the April 25, 2006, Staff Notes. These training tools addressed the importance of: (1) Completing an 18NC Form any time "hard hands" were necessary; (2) using clear, descriptive language when completing the narrative portion of the Form 527; and (3) the need for supervisors to review the facts of the Form 527 narrative and question if a Form 18NC should be completed.

Form 18NC – Non-Compliant Suspect Arrestee Report

There were 24 incidents of hard hands without injury during the first quarter.

Takedowns with Injury

There were six takedowns with injury during the first quarter.

TASERS

There were 139 TASER incidents during the first quarter.

The CPD disagrees with the Monitor's assessment that nine Use of Force reports did not document that the subject of the Use of Force had been interviewed. The specific reports were reviewed by the CPD and it was determined that five of the nine reports (2005-72886, 73521, 73558, 73962 and 73558) were completed **prior** to the procedure revision on October 18, 2005, requiring this type of documentation. Therefore, obviously those reports cannot be held to a requirement that was implemented subsequent to their existence. The narrative of the sixth report (2005-75431) clearly states the subject was interviewed by the investigating supervisor. The seventh report (2005-75990.1) also clearly states the investigating supervisor "interviewed everyone involved in the incident", which would include the subject who was tased. The Monitor determined CPD as being in partial compliance because of these nine reports. The CPD would argue since 29 of the 31 TASER reports (93.5%) were in compliance with paragraph 24, the Monitor's assessment should be changed to reflect full compliance.

B. Investigation

The MOA provisions relating to investigation are located in paragraphs 26-31.

Monitor's Previous Assessment

Policy

The Monitor concludes that the CPD is in compliance with MOA paragraphs 26, 27, 28, 30 and 31. The CPD is in partial compliance with MOA paragraph 29.

Review of Force Investigations

During this quarter, the Monitor Team reviewed 54 investigative files involving Use of Force incidents (including TASER deployments, physical force, canine bites, hard hands and takedowns, a pepperball deployment and chemical sprays). The Monitor reached the following conclusions from those investigations:

- ➤ In all of the use-of-force incidents, the officer notified a supervisor, and the supervisor responded to the scene (MOA ¶26).
- There were no incidents where the Use of Force was investigated by a supervisor who used force or authorized the Use of Force, or whose conduct led to the reportable incident (MOA ¶26).
- ➤ In all of the incidents, the supervisor investigated, evaluated and documented the incident giving rise to the Use of Force, and the documentation included facts and circumstances that either justified or failed to justify the officer's conduct (MOA ¶27).
- ➤ In all of the incidents, the supervisor reviewed the basis for the initial stop and seizure and determined whether the officer's actions were within CPD policy (MOA ¶27).

- ➤ In all but one of the incidents, all officers involved in or at the scene of the Use of Force were identified on the Use of Force Report and provided a statement (MOA ¶30).
- ➤ With one exception, each of the Use of Force Reports lists every type of force involved in the incident. In one report, the narrative described only one deployment of the TASER, while the TASER download showed two deployments (2005-75990.1). The Monitor noted three incidents in which both a TASER and takedown or use of hard hands were involved. While the supervisor's narrative describes both types of force in these cases, the Form 18TBFP does not have any fields for listing hard hands or physical force. The hard hands or takedown will therefore not be picked up by the ETS system. The Monitor suggests revisions to the form so the ETS system can properly track every Use of Force.
- All of the use-of-force investigations were reviewed by a lieutenant or higher. In a number of incidents, the lieutenant or captain reviewing the investigation determined that the investigation was not sufficiently thorough and directed that deficiencies are corrected (MOA ¶31).

Reference Use of Force investigations, the MOA requires the CPD to consider all relevant evidence; to prohibit investigators from using improper leading questions; to prohibit investigators from giving an automatic preference for officers' statements over witness statements, or to disregard statements of interested witnesses; to make efforts to resolve material inconsistencies between witness statements, and make credibility determinations where appropriate. The Monitor makes both a qualitative and quantitative assessment of the CPD's compliance with these requirements. (MOA ¶29)

For the canine bite investigations, physical force incidents and force incidents involving restrained subjects (where there are tapes of the supervisor's interviews); the Monitor determined that improper leading questions were used in only one case. For the other use of force investigations, such as TASERs and chemical spray on unrestrained subjects, where there are no tapes or transcripts of interviews, the Monitor could not determine whether improper leading questions were used. While the Monitor is unable to make a determination of compliance on leading questions and credibility determinations, the Monitor advises their assessment of compliance with MOA ¶29 is based on those sections of MOA ¶29 that can be evaluated: whether the investigations considered all relevant evidence, identified and interviewed relevant witnesses, identified and explored material inconsistencies among witnesses and evidence.

With respect to the other requirements of paragraph 29, based on the documentation that was available, the Monitor Team found that most of the Use of Force investigations: considered all relevant evidence; identified and interviewed relevant witnesses; identified and explored material inconsistencies among witnesses and evidence; and avoided bias (in favor of police) in questions or the description of evidence and events. The Monitor noted there were seven investigations where this was not the case, including Tracking Nos. 2005-75990.1, 71199 and 76595.

For Tracking No. 75990, the supervising investigator did not address the discrepancy between the force form, which listed no injury to the subject and the photograph of the subject showing lacerations to his leg. There was also a discrepancy between the TASER download which listed two deployments and the narrative, which described one. Tracking Nos. 71199 and 76595 are chemical spray incidents where it is unclear whether all potential witnesses were identified and interviewed.

The Monitor concludes that the CPD is in compliance with MOA paragraphs 26, 27, 28, 30 and 31. The CPD is in partial compliance with MOA paragraph 29.

Status Update

Policy

Procedure 12.545, <u>Use of Force</u>, was revised on March 21, 2006, to provide information concerning extended, uninterrupted discharges or extensive multiple discharges of the TASER. Officers should avoid prolonged or multiple TASER discharges whenever possible, and physical restraint techniques should be combined with the use of the TASER to minimize the total duration of the struggle. Officers should transition to a different force option if multiple TASER deployments or continued applications do not make sufficient progress toward gaining compliance. A copy of the revised procedure is included in Appendix Item 15.

Review of Force Investigations

The Monitor's suggestion to revise the Form 18TBFP so the ETS system can properly track every Use of Force is valid. The CPD will take it under consideration and investigate the feasibility of adding the necessary programming.

The CPD disagrees with the Monitor's assessment of three of the Use of Force incidents cited as not being in compliance with Paragraph 29. The Monitor's review of Tracking No. 2005-75990.1 is cited as containing a discrepancy in the TASER download, which shows two deployments, where the narrative only describes one deployment. The reason a second deployment is listed on the download is because as the officer was securing his prisoner, another subject attempted to obstruct the arrest and was also tased by the officer. This incident was properly documented as Tracking No. 2005-75990.2. This incident was also cited as containing a discrepancy between the force form, which listed no injury to the subject and the photograph of the subject showing lacerations to his leg. The photograph of the subject does not show lacerations to his leg, only torn and dirty jeans.

Tracking Nos. 71199 and 76595 are chemical spray incidents where the Monitor noted it is unclear whether all potential witnesses were identified and interviewed. Both of these incidents were crowd deployments where the participants, who had been fighting, dispersed and fled the scene. No arrests were made, probably due to the fact that no one was left on the scene to arrest or interview as a witness.

The Monitor Team found that based on the documentation that was available, most of the 54 Use of Force investigations they reviewed were in compliance with Paragraph 29, yet CPD was found in partial compliance. The CPD would argue since 50 of the 54 Use of Force reports (92.6%) were in compliance with paragraph 29, the Monitor's assessment should be changed to reflect full compliance.

C. Review of Critical Firearms Discharges

The relevant provisions of the MOA are located in paragraphs 32, 33, and 34.

Monitor's Previous Assessment

The CPD's policy on critical firearms discharges and the Firearms Discharge Board complies with the MOA.

There were two firearms discharges at a suspect in the fourth quarter of 2005. Both cases are still under review and investigation by the Firearms Discharge Board.

Status Update

New members of the Firearms Discharge Board were appointed in January 2006, as per Procedure 12.550. In addition to the core members, Inspections Section recommended that the affected District/Section Commander also have a chair on the board, which was approved by the Police Chief.

There was one incident involving a firearm discharge at suspects in the first quarter of 2006. Its status is as follows:

Police Investigation Number / Date of Incident	Status
06-pi-01 / 1/11/06	In progress; IIS investigative report pending; Case under review by Firearms Discharge Board

A copy of the FDB Status Report is included in Appendix Item 16.

V. CITIZEN COMPLAINT PROCESS

A. Openness of the Complaint Process

Paragraphs 35, 36, 37, and 38 of the MOA deal with the openness of the complaint process.

Monitor's Previous Assessment

The City is in compliance with the MOA requirement that complaint forms and informational material be made available in public buildings such as City Hall, the library and CPD District buildings, and that officers carry forms and materials in their vehicles at all times while on duty. Also, the City has now put in place new protocols to compare the cases that the CCA has in its files with the cases that the CPD has in its files, to ensure that every complaint is opened and investigated appropriately.

The Monitor reviewed 29 investigations of citizen complaints completed in the fourth quarter of 2005. The Monitor found the CPD to be in compliance with the MOA provisions prohibiting officers from discouraging any person from making a complaint, and that complaints can be filed in any form, including in writing or verbally, in person or by mail, telephone, fax or e-mail.

The Monitor also finds that the CPD is in compliance with the requirements that a complaint form will be completed for each complaint, that each complaint will be assigned a unique identifier, and that each complaint will be resolved in writing. Therefore, the CPD is in compliance with MOA ¶¶36 and 37.

Status Update - Nothing to report.

B. Investigation of Complaints

Paragraphs 39-50 of the MOA deal with the investigation of complaints.

Monitor's Previous Assessment

Time Period of Investigations

The CPD is not in compliance with the requirement that investigations be completed within 90 days of receiving the allegations. The Monitor acknowledges that the CPD has taken significant steps in improving the time period in which investigations will be completed. For investigations in 2006 that require more than 90 days to complete because of extenuating circumstances, memoranda approving the extension of time will be provided to the Monitor.

Review of Investigations

The Monitor reviewed 23 IIS investigations and six CCRP investigations in this quarter. Generally, these investigations were complete and thorough and in compliance with the MOA requirements. However, the Monitor determined that some investigations were not complete and thorough, as required by the MOA provisions.

- No complaints involved investigations where the on-scene investigation was conducted by a CPD member who authorized or was involved in the conduct that was the basis of the complaint. (MOA ¶40)
- The investigating supervisor appropriately reviewed the initial stop and search and seizure. (MOA ¶42)
- The complaint investigations reviewed and resolved all relevant police activity, including conduct not included in the initial complaint. (MOA ¶42)
- ➤ Improper leading questions were used in only one investigation [Tracking No. IIS 05171]. (MOA ¶41). Five IIS investigations did not have tapes, so the Monitor could not determine if leading questions were used or not [Tracking Nos. IIS 05130, 05185, 05223, 05262, 05293]. In two other cases, the tapes provided the Monitor were inaudible [Tracking Nos. IIS 05183, 05190]. Without being able to listen to the tapes, the Monitor was unable to assess the Department's credibility determinations in those cases. The Monitor advised compliance determinations were not based on the lack of tapes in these cases.
- ➤ The Monitor Team found that in many of the cases, the CPD considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate. However, there were some complaint investigations where the Monitor felt not all of the relevant evidence was gathered and considered, or where relevant witnesses were not identified and interviewed. The Monitor also notes that there were investigations where an area canvass might have provided additional witnesses and information, but the investigator did not address why a canvass was not conducted. (MOA ¶¶41, 49(f))
- Complaint investigations where sufficient efforts were not made to resolve material inconsistencies between evidence and witness statements, or where the CPD did not make sufficient efforts to make credibility determinations, included Tracking Nos. IIS 05182 and IIS 05268. (MOA ¶41, 49(g))
- ➤ In most of the cases reviewed by the Monitor Team, the investigator prepared a report that included a description of the alleged misconduct, any other misconduct identified during the course of the investigation, a summary and analysis of all relevant evidence gathered, and proposed findings and analysis supporting the findings. (MOA ¶50)
- ➤ All of the CCRP complaints were appropriately assigned as CCRP cases, as they did not involve allegations of use of force, pointing of firearms, searches or seizures, or discrimination. (MOA ¶46)

➤ The CCRP complaints were investigated and adjudicated prior to a complaint resolution meeting. The investigative report included a description of the incident and a summary of the relevant evidence and proposed findings. Once completed, the investigation was reviewed by the District Commander. (MOA ¶¶47, 48)

The Monitor finds that the CPD has complied with MOA ¶¶39, 40, 42, 43, 46, 47 and 48. The City is not in compliance with the requirement that investigations be completed within 90 days of the filing of the compliant (MOA ¶50). The CPD is in partial compliance with MOA ¶¶ 41 and 49.

Status Update

Time Period of Investigations

IIS investigators will continue to include an approved memorandum in the file jacket explaining any exigent circumstances which prevent the case from being completed within 90 days.

IIS Investigations

Review of the data of IIS cases closed during the first quarter of 2006 revealed a total of 84 cases cleared during this timeframe. Of those 84 cases, 15 exceeded the 90-day investigative requirement.

The Monitor listed IIS 05171 as containing improper leading questions. The CPD disagrees with this assessment. The interviewing sergeant reiterates the statement of the interviewee and does not offer other explanations. The template provided by the Monitor also states the interviewing sergeant did not compromise the investigation.

The five investigations listed as not having tapes, IIS 05130, 05185, 05223, and 05262, were Use of Force reviews and did not require taped interviews. IIS 05293 was a CCRP investigation that also did not require taped interviews, but resulted in a written reprimand at the request of a shift lieutenant for an inadequate investigation on the part of the initial investigating sergeant. New copies of the "inaudible" tapes reviewed from IIS 05183 and 05190 would have been provided to the Monitor if requested.

Two IIS cases were listed as investigations where the Monitor felt sufficient efforts were not made to resolve material inconsistencies between evidence and witness statements, or where the CPD did not make sufficient efforts to make credibility determinations. Both IIS 05182 and 05268 involve allegations that are accusation/denial. The independent Citizen Complaint Authority also investigated these allegations and determined a finding of Not Sustained.

A summary of closed IIS cases during this quarter is included in Appendix Item 17.

CCRP Investigations

Review of the data of CCRP cases closed during the first quarter of 2006 revealed a total of 42 cases were cleared during this timeframe. Of those 42 cases, 8 exceeded the 90-day investigative requirement.

A summary of closed CCRP cases during this quarter is included in Appendix Item 18.

C. Adjudication of Complaints

Paragraphs 44 and 45 of the MOA deal with the adjudication of complaints.

Monitor's Previous Assessment

The City is in compliance with the requirement that every complaint be closed with one of four dispositions: Sustained, Not Sustained, Unfounded or Exonerated. ("Sustained-Other" is a sustained disposition for a violation that was not initially alleged in the complaint, but that was identified by the CPD.)

Status Update

IIS Cases

During the first quarter of 2006, 84 cases involving 132 allegations were investigated and closed by IIS. Those allegations were closed as follows:

Sustained	33
Sustained Other	4
Exonerated	41
Not Sustained	14
Unfounded	40

CCRP Cases

During the first quarter of 2006, 42 cases involving 44 allegations were investigated and closed through the CCRP process. Those allegations were closed as follows:

Sustained	3
Sustained Other	2
Exonerated	6
Not Sustained	11
Unfounded	22

Additionally, this quarter the CPD received and processed 60 reports of favorable officer conduct reported on positive contact forms. Also, there were 136 letters of commendation received recognizing the outstanding performance of CPD officers. A copy of the quarterly report relating to the aforementioned information is included in Appendix Item 19.

D. Investigations by the CCA

Paragraphs 51-56 of the MOA deal with investigation by the CCA.

Monitor's Previous Assessment

The City has implemented a formal protocol for coordinating parallel CCA and IIS investigations and ensuring a timely flow of information between the agencies, consistent with the MOA ¶54. The City is also in compliance with MOA ¶52, requiring that each citizen complaint be directed to the CCA regardless of where it is initially filed, and MOA ¶53, requiring that CPD officers submit to administrative questions from the CCA, and that the CCA have reasonable access to city records, documents and employees.

MOA ¶55 requires the City to take appropriate action, including discipline where warranted, on completed CCA investigations. MOA ¶56 requires the City Manager to take action within 30 days of the completion of the CCA investigation. The Monitor acknowledges improvement in this area since the Commander of IIS and the interim Executive Director of the CCA meet with the interim City Manager once a month to review cases.

The City is in compliance with MOA ¶55. With respect to MOA ¶56, the City is in compliance with the requirement that the City Manager take action within 30 days of the completion of the CCA investigation. The Monitor will defer until the next quarter a determination on the requirement that CCA complete its investigations in 90 days. At that time, the Monitor will have additional information about the CCA's investigations, and will also be reviewing a sample of CCA investigations to assess compliance with MOA ¶¶41 and 42.

Status Update

Nothing to report.

A copy of the CPD/CCA Case Management Spreadsheet is included in Appendix Item 20.

VI. Management and Supervision

A. Risk Management and Supervision

Paragraphs 57-66 of the MOA are relevant to risk management and supervision.

Monitor's Previous Assessment

Protocol and Data Input Plan

The CPD is in compliance with the MOA requirements for the ETS protocol and data input plan. (MOA ¶60, 61)

Implementation of the ETS system

The CPD is in compliance with several of the MOA requirements relating to the design and operation of the risk management system, including collecting and recording the data listed in MOA ¶58, and appropriately identifying information about officers and citizens for incidents included in the system under MOA ¶59. It is now necessary to assess whether the CPD is using the data in the system and initiating interventions for officers, supervisors and units as appropriate, as required under MOA ¶62.

Now that the weighting and analysis components are working, the CPD can use the system for its main purpose under the MOA: identifying patterns of activity for each data category, and then initiating intervention for individual officers, supervisors, and units based on appropriate activity and pattern assessment of the data in the system. During this quarter, Monitor team members attended an ETS demonstration. The CPD also provided quarterly reports prepared in January 2006 by each District/Section/Unit Commander. The CPD identified recent problems and corrections to the system, which impacted the accurateness of quarterly reviews. Given these identified problems, the Monitor could not review the quarterly reports' individual officer results; however, the Monitor has reviewed the quarterly report process and how the commanders are interpreting and reporting the data.

The quarterly reports list each officer who was identified by the ETS system as being one standard deviation over the average of his or her organizational peer group for any particular field. The quarterly reports are designed to inform the Chief of any officer who has a pattern of behavior that needs intervention. The reports are also intended to report on the results of any interventions that were taken in prior quarters.

In general, the District/Section/Unit Commanders concluded in their January 2006 quarterly reports that there were no officers whose ETS data showed a pattern of behavior that needed intervention. This was true even for officers who engaged in a significant number of Uses of Force or Citizen Complaints. This data was often interpreted as reflecting that the officer is "an active officer" and a leader in arrests for his or her shift. In addition, there were some quarterly reports where the officers were

identified, but the number or type of incidents that brought the officer over the threshold were not examined. The few interventions that were described appeared to be for officers who had a high number of traffic accidents and vehicle pursuits, and were related to additional driving skills training. The ETS system is a valuable tool for examining the performance of CPD officers, but will only meet its potential if the command staff critically examines the incidents and patterns underlying the ETS data.

For this reason, the Monitor finds that the CPD is in partial compliance with MOA ¶62. Because the CPD is in partial compliance with the requirements of MOA ¶62 for using the risk management system and its data, the Monitor also found the CPD in partial compliance with MOA ¶57, which requires that the CPD regularly use the ETS data to "promote civil rights and best practices; to manage risk and liability; and to evaluate the performance of CPD officers across all ranks, units and shifts."

Status Update

Protocol and Data Input Plan

Nothing to report.

Implementation of the ETS system

Two additional training sessions were conducted in April 2006, one which was held with the command staff and the other with first line supervisors. Both sessions focused on analysis requirements. The CPD anticipates more thorough analysis now that most of the issues have been addressed with the system, SOPs are in place and the procedure has been updated to insure system use is as intended by eliminating employees who were identified as having exceeded the threshold as result of a single incident. By removing these incidents, a more focused analysis can be provided.

The CPD would argue that the Monitor tends to utilize a quantitative measure over a qualitative measure when assessing this area. When supervisors utilize ETS to ascertain patterns of behavior and possible need for intervention, they look at more than just the number of "investigative reports" or "citizen complaints". The totality of circumstances must be reviewed and evaluated: an "active officer" who primarily works in a busy and/or dangerous neighborhood can average 15-20 radio runs per shift, several felony, misdemeanor and drug arrests, and is more likely to be involved in foot pursuits. If there is no "pattern" to the five investigative reports or five citizen complaints (for instance, complaints consist of an officer using the same type of derogatory comments or foot pursuits usually ending with a suspect injured the same way), then supervisors do not recommend an intervention. On the other hand, if an officer primarily works in a quiet neighborhood and the few arrests he makes all involve using a TASER, or suddenly his citizen complaints and investigative reports increase dramatically, then a subjective determination must be considered and intervention measures recommended.

B. Audit Procedures

Paragraphs 67-69 of the MOA deal with audit procedures.

Monitor's Previous Assessment

The CPD is in compliance with MOA \P 67, 68 and 69.

Status Update

Inspections Section has conducted their review of the CCRP process for the first quarter of 2006. Ninety one complaints were filed with the CPD during this period. A random audit of 27 cases was conducted on the closed investigations.

Inspections Section reviewed the following criteria:

- Ensure CCRP complaints were entered into the database and the case files were maintained in a central area for each district, section, and unit.
- Ensure necessary documentation was completed for each CCRP investigation and the documents were used to reach appropriate complaint resolutions.
- Ensure the investigating supervisor notified the complainant of the disposition and whether any corrective or disciplinary action was taken.

Additionally, Inspections Section randomly contacted complainants to evaluate whether their actions and views were accurately captured in the CCRP reports. The audit revealed that all CCRP investigations reviewed were in compliance with the criteria set forth above. A summary of the audit was prepared on April 13, 2006, and is included in Appendix Item 21.

Inspections Section also conducted their semi-annual audit of IIS investigations, which reviewed investigations conducted between July 1, 2005 through December 31, 2005. The purpose of the review is to evaluate randomly selected Use of Force cases and Citizen Complaints to assess the reliability and completeness of the investigations. The Monitor included an assessment of the audit in their Thirteenth Report. A summary of the audit is included in Appendix Item 22.

The CPD also had meetings and correspondence with representatives from both the City and County Prosecutor's Offices to identify and discuss issues in officer, shift or unit performance. Both representatives agreed that since Inspections Section began inspecting officer's case jackets, the level of officer preparedness for court had significantly increased. In addition, Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders was revised to improve case preparation and documentation of witness and victim information. A copy of the Inspections Section Commander's First Quarter Report is included in Appendix Item 23.

C. Video Cameras

MOA paragraphs 70-72 deal with video camera requirements.

Monitor's Previous Assessment

Based on the City's installation of new DVRs, the CPD is in compliance with MOA ¶70. The CPD is also in compliance with MOA ¶71 and 72. Where officers are aware that a vehicle stop was not recorded, it appears they are notifying the shift supervisor of the reason the stop was not recorded. The CPD is also conducting periodic reviews of MVR tapes and random surveys of MVR equipment to confirm they are in working order.

The MOA also requires CPD officers to implement the CPD's MVR procedures by activating their MVRs in circumstances requiring MVRs, such as all traffic stops and pursuits. In this quarter, the Monitor audited a sample of MVR tapes of traffic stops, based on contact cards documenting the stops, to examine whether the officers used the audio and video recordings. In the 18 traffic stops the Monitor reviewed, 15 had functioning MVRs that were used from the beginning to the end of the stop. One recording was related to a parked car so the MVR was not required, and two of the MVR tapes were blank. It is not clear whether the MVRs were not working in those cars, or whether the MVR tapes had later been erased. In one of the traffic stops recorded by the MVR, the officer did not turn on his audio. In two cases with MVRs, the CPD supervisor identified an MVR violation and appropriate discipline was issued.

Status Update

As of February 1, 2006, all marked patrol vehicles have been outfitted with an MVR or DVR system. In order to realize full implementation of strictly DVR systems, the CPD needs 164 additional digital recording systems. Purchase and full installation of this equipment is anticipated to occur during the third quarter of 2006.

D. Police Communications Technology

MOA paragraphs 73 and 74 relate to police communications technology.

Monitor's Previous Assessment

The Monitor found the CPD to be in compliance with these provisions.

Status Update

The Department selected Motorola as the primary vendor for the new Computer Aided Dispatch (CAD) and Records Management System (RMS). Project kickoff meetings with Motorola were held during the week of April 24 through April 28, 2006. The CPD has formed implementation teams to put together the information necessary to configure and populate the new CAD system.

E. Discipline Matrix

MOA paragraphs 75-76 are relevant to discipline and promotional policy.

Monitor's Previous Assessment

The Monitor audited and reviewed a sample of 12 disciplinary actions resulting from IIS investigations. The purpose of this review was to determine whether the actions taken were consistent with the department's disciplinary policy and the terms of the MOA. In ten of those cases, the discipline imposed was appropriate for the level of violation that was sustained. Two cases raised some concern over whether the written reprimands given in each case was sufficient for the violation. Not having the prior disciplinary history or knowing if there were mitigating factors that prompted the particular disciplinary action, the Monitor cannot definitively determine whether or not the written reprimands were consistent with the spirit of the disciplinary matrix or the terms of the MOA. The Monitor also reviewed six citizen complaint investigations where the allegations were sustained. In five of these cases, the CPD imposed appropriate discipline and took corrective action; the Monitor has concerns about the sixth case. The City is in partial compliance for this quarter.

Status Update

The CPD disagrees with the Monitor's finding of partial compliance for paragraph 75. The Monitor states not having the prior disciplinary history of the officers involved or knowing any mitigating circumstances does not allow the Monitor to determine full compliance in two of the twelve IIS investigations. It is unclear how the Monitor "determined" the other cases were compliant, given the fact that the Monitor is not privy to any additional information about those cases either. The same logic applies to the review of citizen complaint investigations. Because the Monitor did not know of any mitigating circumstances, the appropriateness of discipline for one case is a matter of "concern".

VII. TRAINING

A. Use of Force – Management Oversight and Curriculum

MOA paragraphs 77 - 81 are relevant to management oversight of training and training curriculum.

Monitor's Previous Assessment

The CPD remains in compliance with these provisions of the MOA. For the past three reports, the Monitor noted that the Training Academy Director's position remained vacant. The CPD is in the process of implementing enormous organizational and cultural change driven by its own strategic goals and the goals established in the MOA and the Collaborative Agreement. Human resource systems, such as training, are a critical component of ensuring an organization's successful transition through major strategic restructuring designed to achieve such goals.

In monitoring both the MOA and CA provisions relating to CPD training, the Monitor will evaluate the CPD's training "to ensure quality, consistency, and compliance with applicable law and CPD policy," as required by MOA ¶77.

Status Update

As reported to the Monitor, the Academy Director position has been filled by Captain Paul Broxterman. The Police Academy conducted In-service Training during the first quarter of 2006. Of particular interest is the Tactical Skills Training curriculum. This portion of training consisted of both hands-on practice and classroom discussion. Included in the review were methods for controlling prisoners in the rear of a police vehicle, recognizing and handling excited delirium, and both verbal and non-verbal deescalation techniques. A copy of the Tactical Skills Lesson Plan is included in Appendix Item 24.

The Training Committee meeting was held on January 26, 2006. The committee was updated on recent training and several highly anticipated training events such as COPSMART and new weapons. A summary of the meeting is included in Appendix Item 25.

B. Handling Citizen Complaints

MOA paragraph 82 is relevant to citizen complaint training.

Monitor's Previous Assessment

The CPD remains in compliance with this section of the MOA.

Status Update - Nothing to report.

C. Leadership/Command Accountability Training

MOA paragraph 83 is relevant to leadership/command accountability training.

Monitor's Previous Assessment

The CPD remains in compliance with this provision of the MOA. There have been 35 officers promoted to sergeant since the MOA was signed in April 2002. Each of these supervisors received supervisory training either prior to, or within 30 days of, assuming their responsibilities.

Status Update

In February 2006, the CPD held a two-day Management Leadership Retreat for all officers at the rank of lieutenant and above and civilian section and unit leaders. The retreat provided the opportunity for CPD command staff to discuss the development and implementation of the 5-year Strategic Plan, the benefits of utilizing Crime Analysis in Problem Solving and also focused on the process of transferring the leadership of CPD to the next generation of officers. A summary of the retreat curriculum is included in Appendix Item 26.

Lieutenant Kurt Byrd recently attended the Police Executive Leadership College, and Captain Andrew Raabe and Captain Kimberly Frey are scheduled to attend the Senior Management Institute for Police during the months of June and July, respectively.

D. Canine Training

MOA paragraph 84 is relevant to canine training.

Monitor's Previous Assessment

This quarter, the Monitor Team observed Canine Training during their February site visit. The following training modules and activities were observed: handler control, box searches, bite work, running apprehension, and recall. In each case, the actions of the canine and its handler were skillful and proficient. The CPD's lead canine trainer recently finished third in a national competition. This is a credit to the Canine Unit and the department, and is evidence of the level of skill that goes into the selection and training of both the canines and the handlers assigned to the unit.

The CPD is in compliance with this provision of the MOA.

<u>Status Update</u> - Nothing to report.

E. Scenario Based Training

MOA paragraph 85 is relevant to scenario-based training.

Monitor's Previous Assessment

The CPD remains in compliance with this provision.

Status Update

During the first quarter of 2006, the CPD provided 2,264 hours of Roll Call Training. Several new scenarios taken from CPD incidents were added to the library. Other areas reviewed include:

- Canine Operations
- Search and Seizure
- Foot Pursuits
- Utilizing Less Lethal Weapons

The Roll Call Training calendars and summaries for this quarter have been included in Appendix Items 27 and 28.

F. Revised Training Based on Review of Civil Lawsuits Pertaining to Officer Misconduct

MOA paragraph 86 is relevant to training based on civil lawsuits.

Monitor's Previous Assessment

The CPD is in compliance with this provision of the MOA.

Status Update

The quarterly meeting between the City Solicitor's office and the CPD took place on March 27, 2006. The following items were discussed:

• Litigation updates were given on twelve court cases involving the CPD and/or the City of Cincinnati.

The minutes from the meeting have been included in Appendix Item 29.

G. Orientation to the MOA

MOA paragraph 87 is relevant to MOA orientation training.

Monitor's Previous Assessment

The City remains in compliance with this provision.

Status Update

Nothing to report.

H. Field Training Officers (FTO)

MOA Paragraphs 88-89 deal with the training of field training officers.

Monitor's Previous Assessment

During the site visit in March 2006, the Monitor observed sections of the most recent FTO training in which new direction was given to FTOs regarding their roles and responsibilities in support of CPOP, including evaluating the probationary officer's efforts with CPOP. The Monitor will review the recertification procedures for existing FTOs in the next quarters and the progress of the FTOs in coaching and supporting probationary officers in fulfilling their new CPOP requirements.

The City remains in compliance with these provisions.

Status Update

In addition to the 40-hour FTO course conducted in early March 2006, the Police Academy also conducted an eight-hour Refresher Course for current FTO's. A copy of both lesson plans is included in Appendix Item 30.

Firearms Training

MOA paragraphs 90-91 are relevant to firearms training.

Monitor's Previous Assessment

The CPD remains in compliance with these MOA provisions.

Status Update

There were no firearms qualifications conducted in the first quarter.

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